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OFFICE OF PETITIONS

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From: Eric Kuhrts

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Date: February 16, 2005

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Pages: 5

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☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

Re: "Response to Requirement for Information" for patent # 5,700,654

Following are two Statement Under 37 CFR 3.73 (b),

One from Vanderbilt University, the assignee, and one from LPD, the licensee.

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## OFFICE OF PETITIONS

PTO/S&amp;P 09-041

Approved for use through 07/31/2005, OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: L. JACKSON ROBERTS M.D. et al.  
 Application No./Patent No.: 5,700,654 Filed/Issue Date: 12/23/97  
 Entitled: "Method and Compositions to Assess Oxidative Stress In-vivo"  
Vanderbilt University University  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 7154, Frame 0619, or for which a copy thereof is attached. OCT. 3, 1994  
 OR  
 B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

JANIS ELSNER

Signature

2/15/05

Date

JANIS ELSNER

Printed or Typed Name Office of Technology Transfer and Enterprise Development

(615) 343-2430

Telephone Number

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on this amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1258, Alexandria, VA 22304-1258. DO NOT SEND PERS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
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OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below.

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Eric H. Kuhrtz 2/15/05  
 Signature Date  
ERIC H. KUHRITS as LPO licensee as per 707 876 9222  
 Printed or Typed Name attached license agreement Telephone Number  
President / CEO  
 Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**ERIC H. KUHRTS**  
**LIPOPROTEIN TECHNOLOGIES, INC.**  
**1109 TANNERY CREEK RD.**  
**BODEGA, CA 94922**

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JAN 19 2005

In re Patent No. 5,700,654	:	OFFICE OF PETITIONS
Issue Date: December 23, 1997	:	
Application No. 08/304,147	:	ON PETITION
Filed: September 12, 1994	:	
Attorney Docket No. 9101BCIP	:	

### REQUIREMENT FOR INFORMATION

A petition was filed on September 13, 2004, under 37 CFR 1.378(c) to accept the delayed payment of a maintenance fee for the above-identified patent.

A decision on this petition will be held in abeyance for a period of **TWO MONTHS** from the date of this communication to permit petitioner to address the following issue before a decision is rendered. No extension of this two month time limit can be granted under 37 CFR 1.136(a) or (b).

The instant petition is not signed by a person authorized to sign a petition under 37 CFR 1.378 in the above-identified patent. 37 CFR 1.378(d) requires that any petition under 37 CFR 1.378 be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

The petition to accept an unintentionally delayed payment of the maintenance fee is signed by Eric H. Kuhrts. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 1.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents